

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

PHILIP JORDAN MCCOOL,

Plaintiff,

v.

Civil Action No. 3:12CV847

RICHMOND CITY JAIL MEDICAL DEPARTMENT,

Defendant.

MEMORANDUM OPINION

By Memorandum Order entered on March 29, 2013, the Court conditionally docketed the action. At that time, the Court directed Philip Jordan McCool to submit a statement under oath or penalty of perjury that:

- (A) Identifies the nature of the action;
- (B) States his belief that he is entitled to relief;
- (C) Avers that he is unable to prepay fees or give security therefor; and,
- (D) Includes a statement of the assets he possesses.

See 28 U.S.C. § 1915(a)(1). The Court provided McCool with an in forma pauperis affidavit form for this purpose.

Additionally, the Court directed McCool to affirm his intention to pay the full filing fee by signing and returning a consent to the collection of fees form. The Court warned McCool that a failure to comply with either of the above directives within thirty (30) days of the date of entry thereof would result in summary dismissal of the action.

McCool has not complied with the order of this Court. McCool failed to return the consent to collection of fees form and the in forma pauperis affidavit. As a result, he does not qualify for in forma pauperis status. Furthermore, he has not paid the statutory filing fee for the instant action. See 28 U.S.C. § 1914(a). Such conduct demonstrates a willful failure to prosecute. See Fed. R. Civ. P. 41(b). Accordingly, this action will be dismissed without prejudice.

The Clerk is directed to send a copy of the Memorandum Opinion to McCool.

/s/ *REP*
Robert E. Payne
Senior United States District Judge

Date: *July 29, 2013*
Richmond, Virginia